UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,907	08/30/2000	John Underwood	730301-2013	2355

20999   7590   12/26/2007
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EXAMINER
CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/651,907	UNDERWOOD ET AL.
	Examiner	Art Unit	
	Joshua D. Campbell	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>17 October 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-26 and 28-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-26 and 28-52</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 10/17/2007.

2.   Claims 1, 3-26, and 28-52 are pending in this case. Claims 1, 26, 51, and 52 are independent claims. Claims 1, 26, 51, and 52 have been amended. Claims 53 and 54 have been cancelled.

3.   The rejection of claim 52 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn to the amendments presented.

4.   The rejection of claims 1, 3-26, and 28-52 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement has been withdrawn to the amendments presented.

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6.   Claims 1, 3-5, 7, 9-16, 18, 20, 22-26, 28-30, 32, 34-41, 43, 45, 47-50, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998) in view of Barr et al. (hereinafter Barr, US Patent Number 5,742,816, issued on April 21, 1998).

        Regarding independent claim 1, Baxter et al. (hereafter referred to as Baxter) discloses a method in which content (dimensions) including formatting components and organizational components are stored in a repository (column 2, lines 1-11 of Baxter).

Baxter discloses a method in which format components, templates which define formats (characteristics), are stored in a repository. The formats define what content is used (subset) and how it is to be formatted (column 4, lines 25-53 of Baxter). Baxter also discloses a method in which a web document is based on a template (column 14, lines 5-28 of Baxter) and it is assembled by a system (description generator) to create a complete set (description) of content, organizational components and form components (column 16, lines 28-37 of Baxter). Baxter discloses that editors may edit any of the content at any time, thus editing the description (column 1, lines 39-42 of Baxter). Baxter discloses external interfaces are provided to handle external components such as externally hosted applications that generate custom content for inclusion in the web site from external repositories (databases) (column 5, line 58-column 6, line 11 of Baxter). Baxter et al. does not disclose that data is stored according to an industry type classification. However, Barr shows that it is notoriously well-known to store data according to classifications (column 1, lines 66-column 2, lines 20 of Barr). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter et al. and Barr because categorized data is easier for a user to search.

Regarding dependent claim 3, Baxter discloses a method in which a template can be used to create more than one finalized web page (description), thus the probability is less than one that it will create the same description using the same template (column 15, line 66-column 16, line 9 of Baxter).

Regarding dependent claim 4, Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the template (column 16, lines 1-22 of Baxter).

Regarding dependent claim 5, Baxter discloses a method in which a complete set (description) created based on a template is stored in a repository (column 16, lines 38-50 of Baxter).

Regarding dependent claim 7, Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the template (column 16, lines 1-22 of Baxter). Thus, the method is non-deterministic because it allows for more than one possible result.

Regarding dependent claims 9-16, Baxter discloses a method in which content includes raw content (text, graphics, images), organization (layout and navigation), java applications (component applications), colors, and outline (theme) (column 4, lines 25-67, column 14, lines 5-28, and column 16, lines 1-9 of Baxter).

Regarding dependent claim 18, Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) (column 16, lines 28-37 of Baxter).

Regarding dependent claim 20, Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

Regarding dependent claim 22, Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

Regarding dependent claim 23, Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) as defined by the template (column 16, lines 28-37 of Baxter).

Regarding dependent claims 24-25, Baxter discloses a method in which a corporate logo may be applied to a set of templates to designate them for use on a corporate site (specific industry) or templates can be created without a specific logo between them (general industry) (column 12, lines 7-43 of Baxter).

Regarding claims 26, 28-30, 32, 34-41, 43, 45, and 47-50, the claims incorporate substantially similar subject matter as claims 1, 3-5, 7, 9-16, 18, 20, and 22-25. Thus, the claims are rejected along the same rationale as claims 1, 3-5, 7, 9-16, 18, 20, 22-25.

Regarding independent claims 51 and 52, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

7.   Claims 6, 8, 31, and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30,

1998) in view of Barr et al. (hereinafter Barr, US Patent Number 5,742,816, issued on

April 21, 1998) as applied to claim 1 above, and further in view of Ryan et al. (US Patent

Number 6,421,675, filed on July 15, 1998).

Regarding dependent claim 6-8, Baxter does not disclose a method in which a

description is generated randomly or pseudo-randomly. However, Ryan et al. discloses

a method in which a results page for a search engine randomly selects applicable

results (content) to put into a template for a results page that is generated (column 22,

Ryan et al.). Since the random selection is completed by a computation it is by

definition also pseudo-random. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to have used the method of Baxter in

combination with the method of Ryan et al. because it gives the opportunity for the less

popular content to viewed on the generated web pages.

Regarding dependent claims 31 and 33, the claims incorporate substantially

similar subject matter as claims 6 and 8. Thus, the claims are rejected along the same

rationale as claims 6 and 8

8.   Claims 17, 19, 21, 42, 44, and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30,

1998) in view of Barr et al. (hereinafter Barr, US Patent Number 5,742,816, issued on

April 21, 1998) as applied to claims 1, 18, 26, and 43 above, and further in view of Hill et

al. (US Patent Number 6,023,714, filed on April 24, 1997).

Regarding dependent claim 17, Baxter does not disclose a method in which

one of the dimensions is the platform used to access the site. However, Hill et al.

(hereafter referred to as Hill) discloses a method in which a web document is generated

using a stylesheet (template) in which it is properly formatted and organized based on

the system the user is using to view the document (column 2, lines 15-65 of Hill). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to have combined the methods of Baxter and Hill because it would have allowed

more users to properly view the generated document.

Regarding dependent claim 19, Baxter does not disclose the use of a

predetermined relationship between at least two characteristics. However, Hill

discloses a method in which all the characteristics of the dimensions are share a

predetermined relationship with the platform used to access a document in stylesheets

in order to properly format the document for all platforms, which dictates other

characteristics selected (i.e. format, content, color, etc.) (column 1, lines 15-65 of Hill).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have combined the methods of Baxter and Hill because it would have

allowed more users to properly view the generated document.

Regarding dependent claim 21, Baxter does not disclose the use of a predetermined relationship between at least two characteristics. However, Hill discloses a method in which all the characteristics of the dimensions are share a predetermined relationship with the platform used to access a document in stylesheets in order to properly format the document for all platforms (column 1, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

Regarding dependent claims 42, 44, and 46, the claims incorporate substantially similar subject matter as claims 17, 19, and 21. Thus, the claims are rejected along the same rationale as claims 17, 19, and 21.

Response to Arguments

9. Applicant's arguments filed 10/17/2007 have been fully considered but they are not persuasive.

Regarding the arguments on pages 16-18 regarding the amendments added to the independent claims, the examiner has clarified the rejection to include the newly added limitation and maintains that the claims as presented are properly rejected. Baxter et al. does not disclose that data is stored according to an industry type classification. Baxter clearly teaches that external interfaces are provided to handle external components such as externally hosted applications that generate custom content for inclusion in the web site from external repositories (databases) (column 5,

line 58-column 6, line 11 of Baxter). For further evidence of the fact that the component

may be "external", the examiner refers to column 4, line 25-column 5, line 22 of Baxter

which explains that all of the components are stored separately and can exist separately

on different servers/repositories/applications and can be linked directly or via a network.

Due to the claims broad terminology (external) it is unclear to the examiner how any

differences between the art of record and the claim language exists. Thus, the rejection

of the claims has been maintained.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
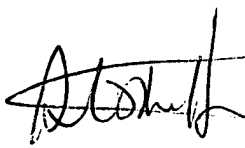
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDC
December 17, 2007

STEPHEN HONG
SUPERVISORY PATENT EXAMINER